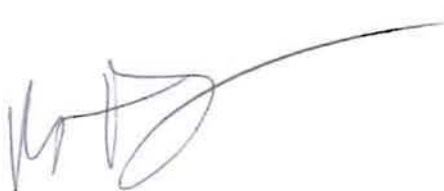


Memorandum

To: Robert Weisenmiller, Ph.D., Chair
Karen Douglas, J.D., Commissioner
David Hochschild, Commissioner
Andrew McAllister, Commissioner
Janea A. Scott, Commissioner

Date: October 17, 2014

From: Robert Oglesby, Executive Director
California Energy Commission
1516 Ninth Street
Sacramento CA 95814-5512



Subject: **Rob Simpson and Helping Hand Tools' Petition for Rulemaking Regarding California Code of Regulations, Title 20, Section 1769**

On October 15, 2014, Rob Simpson and Helping Hand Tools filed a petition requesting, among other things, the Energy Commission initiate a rulemaking proceeding to modify California Code of Regulations, title 20, section 1769.

Staff has completed its review and has determined that the petition meets the requirements under California Code of Regulations, title 20, section 1221. Therefore, staff recommends the Commission find the petition to be complete. Staff recommends this matter be heard at the October 29, 2014 Energy Commission Business Meeting.

For the reasons cited below, staff believes that modifications to this section are premature and recommends the Commission deny Mr. Simpson's petition to enter in a rulemaking immediately for the sole purpose of modifying section 1769.

On December 1, 2010, the California Energy Commission adopted an Order Instituting an Informational Proceeding (Lessons Learned) on issues that are critical to the licensing of power plants. Commission staff has been assessing the Energy Commission's siting processes and examining critical issues common among solar-thermal and conventional power plants. Information from this intensive almost four year process resulted in Commission staff identifying comprehensive revisions to the Commission's regulations to improve Commission process and procedures and to address stakeholder concerns. Given the extensiveness of the changes identified, staff proposes to address changes to the regulations in several phases, the first dealing with the handling of applications for certification. These proposed changes to the regulations were published on September 30, 2014 and the Commission plans to consider an Order Instituting Rulemaking to embark on this phase in November.

Once this rulemaking is complete, staff intends to recommend a second phase concerning changes to the power plant compliance regulations and potential changes to Appendix B, dealing with completeness requirements for applications for certification. Staff anticipates this rulemaking beginning in early 2015. Any proposed changes to section 1769, which concerns post-certification amendments, such as the change recommended by Mr. Simpson, would be best handled in this second phase of the proposed rulemaking. Given the comprehensiveness of the regulations, and the effort that has already been expended to methodically consider proposed changes, staff believes it is preferable to embark on these rulemakings in a systematic, organized, and planned manner.